



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	FINAL ORDER
	:	OF DISCIPLINE
ROBERT C. McGEE, RN	:	
License # 26NO12342500	:	
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Robert C. McGee ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about March 30, 2013, Respondent completed and submitted an online biennial renewal application. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2013," referring to the biennial renewal period of

June 1, 2011 to May 31, 2013. Respondent answered "Yes" and certified that answer by submitting the online application.

3. The Board received information that Respondent was terminated from his hospice nursing employment amidst allegations of diversion, as well as coming to work while impaired. At the behest of the employer, Respondent underwent a drug test on November 5, 2014 which yielded positive results for alprazolam metabolite, hydrocodone, and hydromorphone, all potentially addictive substances for which Respondent did not produce a valid prescription.

4. Respondent was offered the opportunity to privately enroll in and participate with the Board's designated intervention program, the Recovery and Monitoring Program (RAMP), to undergo a comprehensive mental health and substance abuse evaluation, but did not avail himself of that opportunity.

5. On or about May 8, 2015, the Board sent Respondent a Demand for Written Statement Under Oath seeking further information regarding his termination, nursing employment, continuing education for the June 1, 2011 - May 31, 2013 biennial period, and willingness to undergo evaluation and monitoring under the auspices of RAMP.

6. Respondent replied and indicated that he would undergo an evaluation if it was at the Board's expense, which is not an

option. Respondent maintained that all employees were drug tested and that he was terminated due to an on-call conflict. Regarding continuing education, Respondent provided proof of having completed the following:

0 hours within 6/1/11 - 5/31/13 biennial period;

39.3 hours within 6/1/13 - 5/31/15 biennial period.

Respondent provided multiple other certificates of completion, but the certificates did not indicate that the classes had been approved or accredited as continuing education for nurses. Additionally, Respondent included five duplicate certificates of completion.

7. On or about April 10, 2015, Respondent completed and submitted an online biennial renewal application. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2015," referring to the biennial renewal period of June 1, 2013 to May 31, 2015. Respondent was also asked whether he completed the required one hour course on organ and tissue donation. Respondent answered "Yes" to both questions and certified his answers by submitting the online application.

CONCLUSIONS OF LAW

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education

during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2011 to May 31, 2013. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying his continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Lastly, Respondent's termination amidst allegations of diversion and being impaired at work, including a positive drug test, raise sufficient concern such that testing, monitoring, evaluation, and treatment are warranted, as a condition for continued or reinstated licensure, to evaluate whether Respondent's continued practice as a nurse may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(f)

and to ensure that Respondent can properly discharge nursing functions pursuant to N.J.S.A. 45:1-22(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on December 15, 2015, provisionally suspending respondent's nursing license, requiring respondent to undergo evaluation and monitoring under the auspices of the Recovery and Monitoring Program of New Jersey (RAMP), and imposing a reprimand and a civil penalty in the amount of \$250. A copy of the Order was served upon respondent's attorney. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order. He provided documentation of completion of 39.3 contact hours of qualifying continuing education during the 2013-2015 licensing cycle, and 33 contact hours thus far during the 2015-2017 licensing cycle. Thus Mr. McGee has cured the deficiency for the 2011-2013

licensing cycle. Although Mr. McGee states that he did complete required continuing education for the 2011-2013 cycle, but is unable to locate the certificates of completion, the Board notes that providers will generally provide duplicate certificates upon request. With respect to enrollment in RAMP, Mr. McGee indicates that he did enroll in that program in December of 2015, and asks for confidentiality with respect to that enrollment. However, as Mr. McGee previously refused to enter into a private letter agreement, the Board finds that he has lost that opportunity as a public Provisional Order has been filed.

ACCORDINGLY, IT IS on this 10th day of February, 2016,

ORDERED that:

1. Respondent shall enroll in and begin participation with RAMP within 30 days of the filing of a Final Order of Discipline, if he has not yet already done so.

2. By undergoing evaluation, Respondent expressly waives any claim of privilege or confidentiality that he may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in any proceedings.

3. All costs associated with the evaluation, monitoring, and/or treatment outlined above shall be the responsibility of, and paid directly by, Respondent.

4. A reprimand is imposed on Respondent for falsifying the continuing education information on his license renewal application.

5. Respondent is assessed a civil penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Leslie Burgos, 124 Halsey Street, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy Ph.D. APN
Patricia Murphy, PhD, APN
Board President